

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

HOWARD HENRY FINKEL,

Plaintiff,

v.

CIVIL CASE NO. 1:14-03886

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 4). Magistrate Judge Eifert submitted her Proposed Findings and Recommendation ("PF&R") to the court on February 10, 2015, in which she recommended that the district court affirm the final decision of the Commissioner, deny plaintiff's motion for judgment on the pleadings, grant defendant's motion for judgment on the pleadings, and dismiss this matter from the court's docket.<sup>1</sup>

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing

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<sup>1</sup> Both parties submitted briefs in support of their respective positions; the Magistrate Judge construed these briefs as motions for judgment on the pleadings. (Doc. No. 13 at 1).

days, in which to file any objections to Magistrate Judge Eifert's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

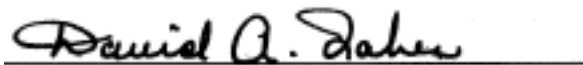
The parties failed to file any objections to the Magistrate Judge's PF&R within the seventeen-day period. Having reviewed the PF&R filed by Magistrate Judge Eifert, the court adopts the findings and recommendation contained therein.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R, **GRANTS** defendant's motion for judgment on the pleadings, (Doc. No. 12), **DENIES** plaintiff's motion for judgment on the pleadings, (Doc. No. 11), **AFFIRMS** the final decision of the Commissioner, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 4th day of March, 2015.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge